

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	CIVIL ACTION NO.
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	
DOMESTIC FUELS & LUBES, INC.,)	
)	
Defendant.)	<u>JURY TRIAL DEMAND</u>
)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex, female and to provide appropriate relief to Ashley Edmondson, who was adversely affected by such practices. Plaintiff, the U.S. Equal Employment Opportunity Commission alleges that defendant Domestic Fuels & Lubes, Inc. (“Defendant”), discriminated against Ashley Edmondson by subjecting her to a sexually hostile work environment because of her sex, female.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e–5(f)(1) and (3) (“Title VII”), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of North Carolina.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII of the Civil Rights Act of 1964, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been a Virginia corporation doing business in the state of North Carolina and the County of Martin, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e (b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ashley Edmondson filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From around April 2008 until May 2009, Defendant engaged in unlawful employment practices at its facility in Everetts, North Carolina (hereafter "the facility"), in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). Specifically, Defendant subjected Ashley Edmondson (“Edmondson”) to sexual harassment that created a sexually hostile work environment based on her sex, female. The harassment was perpetrated by a regular male customer (hereafter the “Customer”) of Defendant with whom Edmondson had to interact on a regular basis in the performance of her job duties..

8. The sexual harassment was severe or pervasive in that it involved both sexual comments and touching. The complained of conduct, described below, occurred almost every time the Customer came into the facility to conduct business. Between April 2008 and May 2009 the Customer visited Edmondson's workplace at least twenty-four times, and each visit lasted about thirty minutes or more. During the same time frame, additional incidents of sexual harassment occurred when the Customer telephoned the facility and made sexually harassing comments to Edmondson over the phone..

9. The sexual harassment included, but was not limited to, crude sexual comments, requests for sex and physical touching. The Customer routinely described for Edmondson, his own sexual exploits in crude and explicit terms, including discussions about "fucking" his wife and others, and making statements that his wife would not give him "any pussy." The Customer also commented about a woman having a "boob job." The Customer regularly asked Edmondson to have sex with him and described sexual acts that he wanted to do to Edmondson, including such things as performing oral sex on her. On one occasion, the Customer pulled Edmondson away from her desk, grabbed her knees and forcibly spread her legs while making comments about the "thing between [her] legs" such as "is it wet?," "is it hot?," "do you shave it?," and "is it ready for me?"

10. Edmondson states that the customer's conduct was unwelcome and that she refused each of his requests for sex. Edmondson enlisted the aid of Defendant's warehouse manager to try to keep the Customer from sexually harassing her. Specifically, Edmondson would sometimes ask the warehouse manager to come into the office with her when the Customer was present.

11. The harassment sometimes took place within the hearing of Edmondson's direct supervisor and at least one other supervisor. Additionally, Edmondson complained to her direct supervisor at least three times between May 2008 and around April 2009. Although Edmondson complained about the harassment to her supervisor, and Defendant knew or otherwise should have known about the harassment, the harassment continued until around May 2009.

12. The effect of the practices complained of above has been to deprive Edmondson of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex, female.

13. The unlawful employment practices complained of above were intentional.

14. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Ashley Edmondson.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from maintaining a sexually hostile work environment or from any other employment practice that discriminates on the basis of sex, and from retaliating against employees who oppose unlawful discrimination, make a charge of unlawful discrimination, or participate in an investigation of unlawful discrimination.

B. Order Defendant to institute and carry out policies, practices, and programs that provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make Edmondson whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

D. Order Defendant to make Edmondson whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

E. Order Defendant to pay Edmondson punitive damages for its malicious and reckless conduct, as described above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this the 15th day of September, 2010.

Respectfully submitted,

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